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EXAMINER

RAMIREZ, RAMON O

ART UNIT PAPER NUMBER

3632

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/700,258
Filing Date: November 13, 2000
Appellant(s): SIEGL, GEORG

Robert V. Sloan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 30, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 18, 19, 21 and 22 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

DE 9301769	KUNSTLER	5-1993
FR 2754929	CHANTEUR	4-1998

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 18-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kunstler in view of Chanteur.

Regarding claims 18 and 19, Kunstler discloses a presentation device (Fig 1) comprising a base (4), a flexible stand composed of flexible uprights (1) plugged into the base with a transverse strut (3) connecting the uprights together, and a holding means (2) for holding a presentation carrier (6) between the stand and the base. Kunstler further discloses the base composed of an elongated cross-member (5) and two receptacles (7) into which are plugged the lower end portions of the upright flexible bars (please see Fig 1), the boxes of the receptacles extending obliquely to the vertical direction and parallel to a plane perpendicular to the longitudinal axis of the cross-member (please see Fig 3).

Kunstler does not teach the presentation device having two, or more transverse struts. However, it would have been obvious to one skilled in the art at the time the

invention was made to have modified Kunstler by providing another transverse strut to provide additional stability and strength to the presentation device. The addition of said second strut would have given the presentation device a double-H shape.

Kunstler does not teach the uprights composed of several flexible bars joined together, of the use of T-shaped plug connectors to connect the transverse struts to the respective ends of the flexible bars.

Chanteur discloses a display unit (Fig 1) including an upright composed of several flexible bars (23, 24, 25) plugged together. Chanteur further discloses plugs for connecting the flexible bars together, including T-shaped plugs (5', 8', 21', 28') for connecting one member of the display unit in a transverse relationship with respect to another member (please see Fig 1). It would have been obvious to one skilled in the art at the time the invention was made to have modified Kunstler by making the uprights out of several flexible bars as taught by Chanteur to allow the device to be broken down into a smaller bundle for easier storage. Joining the flexible bars one to another using a T-shaped plug as taught by Chanteur would also have been obvious to one of ordinary skill in order that one connector allow both connections of the individual flexible bars to form uprights as well as attachment of the transverse struts to the uprights.

Regarding claims 21 and 22, Kunstler discloses a base comprised of an elongate cross member (5) that also has two receptacles (7) for insertion of the lower end portions of the uprights (4), the bores of the receptacles angled obliquely with respect to vertical

and parallel to a plane perpendicular to the longitudinal axis of the cross member (please see Fig 3).

(11) Response to Argument

As to claim 18, Appellant argues that to provide Kunstler with a second strut is not taught by the references. The examiner clearly points out in the rejection that the use of a second strut in Kunstler is basically a duplication of parts. Kunstler teaches the use of a strut, and the use of a second strut would provide additional stability and strength to the presentation device. The teaching of Chanteur in claim is for the multiple flexible rods only.

As to claim 19, Appellant argues that the combination of the references presented by the examiner fails to show T-shaped plugs as connector means. Kunstler shows connectors means that is a plug connector but are not T-shaped. Chanteur does show T-shaped connector means as indicated in the rejection above. As indicated above, to use T-shaped connector means as shown by Chanteur would have been obvious to allow both connections of the individual flexible bars to form uprights as well as attachment of the transverse struts to the uprights.

As to claim 21, Appellant argues that neither of the references shows a base having receptacles. Kunstler at Fig 3 shows receptacles on the base receiving the uprights.

As to claim 22, Appellant argues that the receptacles of claim 21 are formed by a bore. Again, Kunstler at Fig 3 shows receptacles on the base formed as bores.

For the above reasons, it is believed that the rejections should be sustained.



Application/Control Number: 09/700,258
Art Unit: 3632

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Respectfully submitted,

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ROR
March 15, 2004

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